

Meeting of 2006-6-13 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 13, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor ProTem Jeff Patton Also Present:
Presiding Greg Buckley, Assistant City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk

Mayor Pro Tem Patton called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Kim Shahan, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two Keith Jackson, Ward Four
Robert Shanklin, Ward Five
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Janice Drewry, Ward Three

PRESENTATION OF PROCLAMATION FOR JUNETEENTH, A WORLDWIDE CELEBRATION.

Mayor Pro Tem Patton read a proclamation officially recognizing the 141st Annual Juneteenth Celebration held on June 16, 17 and 18, 2006.

AUDIENCE PARTICIPATION

Al Caldwell, 1420 NE Rogers Lane, stated earlier in the year the young man arrested for starting the fire on Rogers Lane was a renter of his. While he was incarcerated, a friend of his kicked open the door to his apartment. When the police arrived they arrested this person. He was told that this would be a civil matter if he wanted to pursue the cost of the damaged door. He stated that man created a criminal misdemeanor and that is one code he would like to have clarified. He stated the second occurrence happened later in the year. A young man and woman were living together, but she was not on the lease. She moved out and came back later with her mother. The police were summoned and there were damages. He was told he would have to recover damages through the tenant. He is tired of having doors kicked in. If the city will allow them, property owners can help to see that some of this nonsense does not go on. They need the support of the police officers.

Vincent stated he promised to speak at the association meeting on July 15th. He stated Mr. Caldwell needs to see a civil attorney, the city cannot help, it is not within our jurisdiction. The state law does not give the municipal judge the power to order restitution. If someone damages your property, the collection of damages is a civil matter. As far as criminal trespassing, he stated he would be happy to meet with Mr. Caldwell and the Police Chief to discuss the code.

Mr. Caldwell stated they need to send a strong message.

Jackson suggested he put this type of information in his leases.

Andrea Mayfield, 1749 SW 12th Street, stated she has a concern about tall grass. She stated the home at 1328 Monroe has been reported numerous times and no one has done anything about it. The grass has not been cut. There is also home on the corner of 19th and McKinley that has not had water for the longest time. There is also a home in the 1800 block of Roosevelt that also does not have water. These properties are a health hazard to the community. The house at 16th and Jefferson has been on the list for four years. She feels something should be done.

Givens asked Ms. Mayfield to stay around because this will come up again at the end of the meeting.

Tony Griffith, Neighborhood Services Supervisor, stated they have a work order issued for 1528 Monroe and the contractor should get around to it the next day and cut the grass. He also just submitted a work order for 1602 Jefferson and that should be torn down within the next two weeks.

Patton asked Griffith to get with Ms. Mayfield at the end of the meeting and address her concerns.

Kim Shahan, 7728 NW Chesley Drive, stated on behalf of his family he would like to thank the Lawton Police Department and Lawton Fire Department for handling a serious situation at his home. They handled things in a very professional way and he wished to acknowledge them publicly.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Patton requested items #3, #28 and #35. Vincent requested item #15 and Shanklin requested #16 be considered separately. Jackson requested item #20 also be considered separately.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of items 3, 15, 16, 20, 28 and 35. AYE: Patton, Haywood, Warren, Shoemate, Givens, Jackson, Shanklin. NAY: None. **MOTION CARRIED.**

1. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Steven Knight in the Workers' Compensation Court, Case No. 2005-09755 A. Exhibits: Resolution 06-____.

2. Consider authorizing the City Attorney to accept the sum of Eight Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$8,333.33) for settlement of the City's subrogation interest in the personal injury case of Carlton L. Clark, Sr. Exhibits: None.

3. Consider membership in the Texas Local Government Purchasing Cooperative Buy Board program. Exhibits: Memorandum from Asst. City Attorney, Randy W. Henning, Interstate - Interlocal Participation Agreement, Oklahoma Buy Board Registration Procedures, Board Resolution Document.

Buckley stated there were a couple of vague areas in the agreement with regards to identifying the contract agent. He clarified that the Purchasing Division will be the central point and contact coordinator. This will not change any of the current purchasing process. This will be added as a potential source.

Jackson stated sometimes specifications are designed towards a particular product and he wants to make sure that we contact this particular buying situation and find our similar instead of specific specifications.

Shanklin stated that will not happen.

Vincent stated as chairman of the spec committee, the department directors are going to have to come in and prove their specs to the spec committee and they cannot be sole source, there has to be more than one vendor and manufacturer that can deliver the base product. Before any bid is awarded will come to the council.

Jackson stated that research should be done prior to going out for bid.

Vincent stated the research is always done before the bid is issued.

MOVED by Jackson, SECOND by Givens, to approve membership in the Texas Local Government Purchasing Cooperative Buy Board program. AYE: Jackson, Shanklin, Patton, Warren, Shoemate, Givens. NAY: None. ABSENT: Haywood. **MOTION CARRIED.**

4. Consider approving the standard lease agreement for use of the Elmer Thomas Park/ Lake Helen Stage area on July 4, 2007 with First Assembly of God-Lawton upon construction completion of concrete stage. Exhibits: Standard Lease Agreement with First Assembly of God-Lawton.

5. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2006. Exhibits: Resolution No. 06-____.

6. Consider approving a memorandum of understanding with the State of Oklahoma/City of Tulsa 800 MHz Radio System Inter-Operability Memorandum of Understanding. Exhibits: The State of Oklahoma/City of Tulsa 800 MHz Radio System Inter-Operability Memorandum of Understanding is on file in the City Clerk's office.

7. Consider Emergency Management Performance Grant (EMPG) to assist local jurisdictions in updating operating plans, conduct emergency exercises, maintain 24 hour point of contact and allow emergency manager to attend 21 hours continuing education and training. Exhibits: The Cover Letter from the Department of Emergency Management and the Emergency Management Performance Grant.

8. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); J. Roy Dunning (re: Children s Shelter); and Roadback (re: Detoxification Center); Lawton Crimestoppers, Inc. (re: Funds from sale of property in police custody.) Exhibits: Copies of the contracts are located in the City Clerk s office for review.

9. Consider approving agreements for euthanization services with the following entities, and authorize the Mayor and City Clerk to execute the agreements: City of Grandfield and Town of Medicine Park. Exhibits: Agreements are on file in the City Clerks office.

10. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the agreements: Town of Indianahoma, Multiple Community Services Authority and Town of Temple. Exhibits: Agreements are on file in the City Clerks office.

11. Consider adopting Street Light Resolution No. 445 to authorize the installation of street lights at various locations listed in the Resolution. Exhibits: Street Light Resolution No. 445.

12. Consider adopting a Resolution authorizing the installation of traffic control measures on SW 40th Street at Bishop Road, SW 44th Street at Bishop Road, and NW 47th Street & Wolf Creek Avenue/Motif Manor Drive intersection. Exhibits: Traffic Commission Minutes, Traffic Issue Requests and Resolution No. 06-____.

13. Consider denying a request for the installation of traffic control measure on SW 38th Street at the intersection of Lee Blvd. Exhibits: Traffic Commission Minutes and Traffic Issue Report.

14. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 200 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the Dunbar Commercial Addition located in the SW/4 of Section 34, T-1-N, R-12-W, I.M., City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk s office.

15. Consider ratifying the action of the Lawton Water Authority in terminating the agricultural lease between Pam Vaughan and the City of Lawton for tract E-26 due to non-payment of rent, authorize the City Attorney to take legal action to recover the non-paid rent and interest costs and authorize the City Attorney to advertise and hold a public auction to lease the tract to a new lessee. Exhibits: Payment request letters (2). Surface sub-lease contract is on file in the City Clerk s office.

Vincent stated this item is a companion item to item #1 on the Lawton Water Authority agenda. He requested the same motion which would include the ten day waiting period, and if they do not receive the money then staff will terminate the lease.

MOVED by Jackson, **SECOND** by Givens, to terminate the agricultural lease between Pam Vaughan and the City of Lawton for tract E-26 due to non-payment of rent and hold for ten days and allow the lessee the opportunity to bring it up to date. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. **MOTION CARRIED.**

16. Consider approving Change Order No. 1 for the Arterial Street Repair Project #2005-3 with Barnett Paving and Sealing L.P. Exhibits: None.

Shanklin questioned if there was a reason why wheelchair ramps were not built when they had Gore torn up.

Carl Dentler, Assistant Public Works Director, stated he could not answer because he was not involved in this part of the project.

Jackson stated the American Disabilities Act is common knowledge.

Dentler stated anytime they go in and work on the curbs, gutters or sidewalks, they have to bring them up to the new standard. He does not know why it was not brought up in the original contract.

Shanklin questioned why they could not do this in-house.

Dentler stated they do not have the labor force to do this.

Shanklin stated there is 16-inch curb that is damaged at the drive through in City Hall and he thinks staff should repair it. He has reported this four times.

MOVED by Shanklin, **SECOND** by Jackson, to approve Change Order No. 1 for the Arterial Street Repair Project #2005-3 with Barnett Paving and Sealing L.P. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Jackson. NAY: None. **MOTION CARRIED.**

17. Consider approving Change Order No. 1 for the 2000 CIP Waterline Replacement Project 2005-15 with Evans & Associates Utility Services, Inc. Exhibits: Location Map.

18. Consider approval of an amended Retainer Agreement for Professional Services with CH2M HILL, INC., to provide professional engineering services to the City of Lawton and the Lawton Water Authority in defense of the lawsuit styled Comanche County Rural Water District No. 1, et al. v. City of Lawton, et al., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement on file in the City Clerk's office.

19. Consider renewing the professional services agreement with Robert M. Jernigan as a representative on telecommunication; James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims; Tony G. Puckett of McAfee & Taft on labor-related issues; Gary M. Bush of Fagin, Brown, Bush, Tinney & Kiser for financial related representative services; and authorize the Mayor and City Clerk to execute the Agreements. Exhibits: Retainer Agreements for Professional & Legal Services on file in the City Clerks office.

20. Consider approval of renewing the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

Jackson stated this item is more administrative and a City Council situation and he objected to the Mayor being able to contract with Mr. Long for investigations. He feels the Mayor should have no administrative duties.

Vincent stated there is one area that the council authorized and that is the area of sexual harassment involving the City Manager or a member of the City Council. That is the only circumstance when the Mayor or his designee would be involved. He stated there are areas when the City Manager may direct an investigation. There are also investigations that may be directed by the City Attorney.

Jackson stated the City Council needs to be aware.

Vincent stated normally they are made aware of any situation in executive session.

MOVED by Jackson, **SECOND** by Givens, to approve renewing the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. AYE: Patton, Haywood, Warren, Shoemate, Givens, Jackson, Shanklin. NAY: None. **MOTION CARRIED.**

21. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of the Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc. is on file in the City Clerks office.

22. Consider authorizing litigation in the City's collection efforts to recover medical expenses and property damages resulting from an automobile accident between a vehicle operated by Kent Gamble and a City vehicle. Exhibits: None.

23. Consider authorizing a Resolution of Necessity for real property acquisition for the Numu Creek Channel Improvements (Lee to RR) Project # 2006-1. Exhibits: Resolution 06-___ and Location Map.

24. Consider granting a variance to Section 21-503, Easements, Lawton City Code, and approving the construction plans and specifications for a sanitary sewerline extension to serve the area north of Victoria Square Apartments located at 2309 NW 38th Street subject to condition. Exhibits: Location Map.

25. Consider approving the construction plat for Waterstone Addition, subject to conditions. Exhibits: Plat Map.

26. Consider approving the construction plans for extensions of sanitary sewer mains located near NE Flower Mound Road and East Gore Boulevard subject to conditions. Exhibits: Location Map.

27. Consider approving the record plat for Rolling Hills Development, Part 3G, and accepting the improvements, maintenance bonds, and easement outside the platted area. Exhibits: Plat Map. Maintenance Bonds and

Easements on file in City Clerk s office.

28. Consider adopting a Resolution in Support of the Lawton Metropolitan Area Airport Authority (LMAAA) submitting an application to the Oklahoma Strategic Military Planning Commission for a grant to fund a 55-year lease with the Oklahoma School Lands Trust for 80 (eighty) acres of land to accommodate the U.S. Army Forces Command Air Mobility Complex. Exhibits: Resolution of Support 06-____, Letter to Larry Mitchell from Carey Johnson, dated 5-30-2006, Aerial map of the Lawton Fort Sill Airport, Grant application to Oklahoma Strategic Military Planning Commission.

Buckley stated he would like to provide recognition for the community support to the Lawton Airport Authority in pursuing the grant for enhancements to the airport.

MOVED by Jackson, **SECOND** by Givens, to adopt Resolution of Support 06-104. AYE: Haywood, Warren, Shoemate, Givens, Jackson, Shanklin, Patton. NAY: None. **MOTION CARRIED.**

29. Consider extending the contract (CL05-055) Rock Hauling with Atlas Tuck Concrete of Duncan, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form.

30. Consider awarding (CL06-049) 4 and 6 Portable Pumps to RSC Equipment Rental of Lawton, Oklahoma for the 4 Pump (diesel engine) Items 1 & 2 and the 6 Pump Items 4 & 5 and to Pioneer Equipment of Lawton, Oklahoma, for the 4 Pump (gasoline engine). Exhibits: Abstract of bids and department recommendation.

31. Consider awarding (CL06-050) Moving Radars to Kustom Signals Inc. of Lenexa, Kansas. Exhibits: Abstract of bids and department recommendation.

32. Consider awarding (CL06-053) 4 x 8 Trench Box to G. W. Van Keppel of Oklahoma City, Oklahoma. Exhibits: Abstract of bids and department recommendation.

33. Consider awarding (CL06-047) Manhole Lining Materials to The Strong Company, Inc., of Pine Bluff, Arkansas. Exhibits: Abstract of bids and department recommendation.

34. Consider awarding (CL06-045) Metal Recycling to Buddy s Crushed Cars, Incorporated of Kingston, Oklahoma. Exhibits: Abstract of bids and department recommendation.

35. Consider awarding (CL06-056) Police Motorcycle to Old Fort Harley Davidson of Fort Smith, Arkansas. Exhibits: Abstract of bids and department recommendation.

Buckley stated one of the aspects of the original specification had FOB of delivery to the City of Lawton. They felt that going and collecting the motorcycles was worth awarding the contract.

Jackson stated this particular dealership was owned by a local man and he felt if a phone call was made to Mr. Crouch that he may bring them with him when he came to Lawton to visit.

Buckley stated they are asking council to authorize this minor deviation and accept the award.

MOVED by Jackson, **SECOND** by Warren, to award (CL06-056) Police Motorcycle to Old Fort Harley Davidson of Fort Smith, Arkansas. AYE: Warren, Shoemate, Givens, Jackson, Shanklin, Patton, Haywood. NAY: None. **MOTION CARRIED.**

36. Consider awarding (RFPCL06-051) Employee Physicals/Drug Screen Testing to The Center for Occupational Health of Lawton, Oklahoma. Exhibits: Cost comparison and department recommendation.

37. Consider approving appointments to boards and commissions. Exhibits: None.

38. Consider approval of payroll for the periods of May 8- June 4, 2006. Exhibits: None.

OLD BUSINESS ITEMS:

39. Hold a public hearing and adopt a resolution declaring the structure at: 524 S.W. G Avenue to be a dilapidated public nuisance, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate the nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove the dilapidated structure, if necessary. Exhibits: Resolution 06-____. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Griffith stated this item was brought before the City Council on May 23rd and was tabled. He presented photographs of the property. There has been no change to the structure. It has been without utilities since 1999 and is vacant.

Jackson stated he spoke with Mr. Reese earlier and he has already received a permit to demolish the home. He stated there seems to be a problem.

Vincent stated the council could take no action or they could table this item. A demolition permit requires 30 days to comply.

Haywood questioned when Mr. Reese would tear down the structure.

Tony Reese, property owner, stated he has started tearing down the back part of the home. He stated the permit was to tear down all but the main structure. He is waiting to see if he can save anything off of the main house. If not, he will also tear it down.

Vincent questioned if Mr. Reese got a remodel permit on the main house.

Mr. Reese stated yes. He stated it was not a demolition permit.

Vincent stated that would not qualify him for the reduced tipping fees.

Jackson stated at this point he has been issued a building permit.

Vincent stated at the meeting when this was tabled, the council asked for a legal opinion from the City Attorney's office which was furnished to the Mayor and Council on May 25th. The bottom line is if the Council declares this property dilapidated, the requirements of the dilapidated ordinance would overtake the requirements of the building permit ordinance and Mr. Reese would have to comply within thirty days. He is not sure exactly what type of permit was issued to Mr. Reese. It sounds like it is a remodel permit.

Mr. Reese presented the permit to Mr. Vincent.

Vincent stated it is a remodel permit.

Jackson questioned if this stops the action.

Shanklin questioned if he could still tear it down.

Vincent stated he could tear down any structure that is not attached to public utilities, otherwise he would have to get a demolition permit. He can take down the out buildings. He stated they have three options, they can table this item and give Mr. Reese an opportunity to get a demolition permit, strike it or go ahead and have the public hearing and issue the resolution which means he would not qualify for the reduced tipping fees.

Givens stated Mr. Reese does not want a demolition permit.

Mr. Reese stated when he first bought the house his intentions was to tear it down, but he found out the home belonged to Mr. Woods who drew the first lottery ticket. He thought this home had some historical reference.

Haywood stated Mr. Reese came last year, and this is his ward and many residents are upset that nothing has been done. He stated he would agree to give him thirty more days, but when he returns he asked that something be done.

MOVED by Haywood, SECOND by Jackson, to continue public hearing and table this issue for 30 days. AYE: Shanklin, Patton, Haywood, Shoemate, Jackson. NAY: Warren, Givens. MOTION CARRIED.

NEW BUSINESS ITEMS:

46. Discuss the recent City Council decision directing Neighborhood Services to issue citations to owners of vehicles parked in front yards, violating Lawton City Code, Chapter 15, Article 15-5, Section 15-5-5-3, without first providing a ten (10) day notice of violation. Exhibits: Copy of Chapter 15, Article 15-5, Section 15-5-503, Lawton City Code.

Mr. Reese stated he owns rental property on 20th Street and there is no curb. The street is barely wide enough for two cars to pass each other. Where there is no curb people have a tendency to park half way in the yard and the street. He requested they ticket the owner of the car, not the landlord.

Warren questioned if they are going to have a problem collecting on a citation written to a vehicle that is not a traffic citation.

Vincent stated in this situation both the police and the code enforcement officer would have jurisdiction for those cars parked in the street and yard because they would be violating a traffic code as well. It would be a dual violation.

Warren questioned if they had to be a police officer to write a traffic citation.

Vincent stated even a sentinel can write a traffic citation.

Charley Wright, stated there are many small houses with a single car garage and single width driveway. He questioned where are they going to park if they can't park in their own yards? Most driveways will only accommodate two cars.

Larry Forrester, 2313 NW 75th Street, stated only part of what has been told is true. He had to pay a \$75 court administrative fee today for parking a two wheel trailer on the north side of his driveway. He did not know it was illegal. He stated 472 citations have been written and all of these people are going to have to pay the \$75 fee. He called the District Attorney's office and asked about articles of impeachment and recall petitions. He questioned who gave staff the authority to write that citation on May 27th. The City Prosecutor signs off on it on June 1st. The newspaper story hit June 6th. He is physically disabled. Staff told him the City Council gave the authority that if he sees a bicycle parked in the grass in front of a house, they can issue a citation and call it illegal parking of a motorized vehicle and issue a \$150 citation. He was told if he didn't like it he could go talk to the City Council. He has a complaint form from the American Civil Liberties Union out of Oklahoma City and he is filing a complaint against city staff for violating his civil rights. He is mad about the principal of the thing. He is boycotting city facilities and will give no money to anything that is associated with the City of Lawton. He is going to recoup his \$75.

Patton stated there may have been some implied authority, but they want to give people notice and they did not realize it was going to happen. They are going to correct that tonight.

Shanklin stated there is going to be a time when they want something from the citizens and it is only going to take a couple to beat it.

Jackson stated he was not aware ahead of time that there was a possibility of fixing the fine situation and recovering the \$75 or stopping the procedure. The City Attorney has informed him that they can. He suggested that they agenda an item to abate the fine.

Mr. Forrester stated the web site says that the first offense is a warning citation and ten days to fix the problem.

Jackson stated these law, ordinances and resolutions are created because a group of citizens they represent come to them and say they have a problem. That is the way the government works. They react to what the citizens ask them to do and that is the reason this happened. The only things wrong with this situation is that they should have given notice.

Cynthia Ferguson, stated it is only right that they get their money back.

Eli Bettingcord, 2331 NW 41st Street, stated the problem with 41st Street if he parks on the road and someone hits his car, their insurance will not fix his car because he is parked illegally. They have to park on the road because they only have a driveway that will accommodate two cars.

Vincent questioned if there were signs on the street that say No Parking.

Mr. Bettingcord stated no but his neighbor's car got hit and he got a letter saying he was illegally parked.

Vincent stated if there are no No Parking signs on the street, then they can park on the street.

Jackson stated the City Council is going to fix this and they are going to get their money back.

Charlene Jackson, 1014 SW Monroe, stated she knows everyone that lives in her neighborhood. She stated if she has to build a driveway, then everyone should have to build one. She questioned if her driveway would be grandfathered in.

Haywood stated that she has lived there for many years and is on the easement and there is nothing they can do because that is the way the law is set up.

Ms. Jackson stated it is not right to tell her that she has to park her car somewhere else because that is her property.

Myra O Neil, 2215 NW 40th Street, stated she appreciates the fact that they are rectifying the situation. She questioned if she has to take time off from work on the 19th to go to court.

Vincent stated she did not have to show up on the 19th.

Ms. O Neil stated she works in the County Clerk's office and works very closely with the Neighborhood Services staff with property owners. She stated where she lives there is a small patch of grass to the side of her driveway. Her sons have always parked on that patch of grass. She knew this was going to happen so she told her son, who visited her on the weekend, but he did park on that patch. Her complaint is that she feels that the citizens of Lawton were set up because staff does not like what they have to do. That is what they were directed and instructed to do. She does not have a problem with the code and the laws, but she has a problem that they were not warned beforehand that they were doing something that is considered illegal. The vehicle that was parked on that strip of grassy area was not even in the name of her husband so she knows that the letter came from the property owners list. The car in question was her son's vehicle which is tagged in his name.

Bill Dirks, 1902 NW 17th, stated the code should be enforced but there should be some common sense applied. There are some circumstances like disabled people and people who are unable to fix the problem.

Rodney Morgan, 3020 NE Lancaster Lane, stated he is a firm believer that ignorance of the law is no excuse. The problem is that the City of Lawton website says one thing and something totally different is being done. Give citizens the chance to know the rules.

William Ferguson, 1514 NW Hoover, stated it is one thing to enforce the law, it is another when people don't know the law. He stated a staff member called and disrespected his wife. He went to the City Prosecutor, but he did not want to hear it. He requested that citizens be given the right to correct the situation.

Jack Sayre, 18706 SW Bishop, stated this all got started because someone called to make a complaint. That one person has got the whole city in an uproar and a councilor has listened to one person instead of the group. The citizens feel that they have been backstabbed by the City Council. They are voted in to represent the people. He stated that Neighborhood Services is very discriminating. He stated they have also been told to mow their right of ways. In his addition, there are no easements or right of ways plotted according to the court, yet he is told he is parking on city right of way. He stated people are tired of being stabbed in the back.

Richard Jensen, 1001 Arlington, stated he is sorry he got out of line earlier. He received two letters, one on his business property and one on a house on 45th Street that does not belong to him. He has been around here for 74 years. His biggest concern is the notices. The older ordinance said Section 18-115 says that an official shall find that any of the provisions chapter being violated they shall notify in writing the person responsible for such violation indicating to correct it. The other one says ten days. They usually send it so you get it on Saturday so they think you will back off and not be mad by Monday. The 14th Amendment requires that we all get equal treatment to all concerned, and some feel that they do not get that. He tried to find out what was going on at City Hall this morning. The inspector said he did not understand the ordinances and he did not know about the zoning. His supervisor did not have time to talk with him. He asked for an appointment to speak with the Neighborhood Services Supervisor but he did not receive a call back. He did come back down to City Hall and spoke with Mr. Griffith who was responsive to what he had to say. He stated this is a team and that is where we are at. We are trying to get tourism into Lawton and we are not going about it the right way.

Vincent stated this will take a City Council action for any type of a refund. The agenda item will be brought back the next council meeting. He clarified that they are only talking about citations that were issued under Section 15-5-503. He asked that resident do not show up at the Court Clerk's office the following day. This will take at least 2 weeks.

Givens stated he is probably the one that is most responsible for trying to be proactive about this issue and he accepts that responsibility. He stated the first way a neighborhood goes down is when you have tall weeds, grass, trash and people parking in their yards. He has several areas in his ward where they are trying to clean it up. He has a constituent, who has a beautiful yard, who calls him every other day who lives next door to a man who graveled his entire front yard and parks five vehicles across the front blocking her driveway. Why should she have to put up with that. Some of the older neighborhoods are very trashy and they are going to stay that way until they get aggressive and try to clean it up. He stated Neighborhood Services is doing a great job and they went out and took photos to see what was really happening, was someone washing their car or was the car staying there for a long period of time. They had good intentions, especially in the older neighborhoods, and he is sorry it caused such an uproar.

Haywood stated he is proactive in his ward and talks with his constituents. He stated if they don't do things for the

south part of town, you don't have a city. When citizens are in an uproar, then there is a problem. They are supposed to take care of the citizens of Lawton.

Buckley clarified that during the interim period from now until the passage of the ordinance, staff will issue a warning citation and not a physical citation.

MOVED by Jackson, **SECOND** by Warren, to bring back an item that could grant amnesty to the people who were issued tickets up through June 13, the possibility of a refund and direct staff to issue warning tickets until the ordinance is considered at the next council meeting. AYE: Haywood, Warren, Shoemate, Givens, Jackson, Shanklin, Patton. NAY: None. **MOTION CARRIED.**

Shoemate left the meeting @ 8:08 p.m.

40. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 1401 NW 24th Street. Exhibits: Resolution No. 06-__, Ordinance No. 06-__, Location Map, Site Plan, Applications and CPC Minutes.

This request is for Lot 19, Block 6, Stephens Addition, Part 2, which measures 60' x 180'. The applicant is Fugate Enterprises. The purpose of the rezoning request is to construct a new parking lot to support the Pizza Hut restaurant on Cache Road which will be rebuilt as a Pizza Hut Italian Bistro.

The zoning of the surrounding area is R-1 (Single-Family Dwelling District) to the north and west, C-5 (General Commercial District) to the south, and C-1 to the east. The land use of the surrounding area is single-family residential to the north and west, Pizza Hut to the south, and Chick-Fil-A to the east. The current use of the requested area is a single-family structure.

On April 13 and May 11, 2006, the City Planning Commission held public hearings on this request. During the public hearings one person spoke in favor of the request and one person spoke against the request. The CPC, by a vote of 9 - 0, recommended approval of the request.

Notice of public hearing was mailed on May 23, 2006, to 29 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on May 28, 2006.

MOVED by Jackson, **SECOND** by Warren, to adopt **Resolution 06-105** and **Ordinance 06-32**, waive the reading of the ordinance, read the title only. AYE: Warren, Givens, Jackson, Patton, Haywood. NAY: None. ABSENT: Shanklin. **MOTION CARRIED.**

(Title read by City Attorney) Ordinance 06-32

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

41. Hold a public hearing and consider an ordinance changing the zoning from R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification located at 10 SW 15th Street. Exhibits: Ordinance No. 06-__, Location Map, Site Plan, Application and CPC Minutes.

This request is for Lot 6, Block 1, Lloyd Addition, which is a 50' x 160' tract located at the northeast corner of SW 15th Street and A Avenue. The applicants are Teresa and Kelly Pendergraft. The current land use of the requested area is a two-story residential structure and a one-story residential structure. The proposed use is a professional office (accountant). The applicants have said that the one-story residential structure would be used for storage.

The zoning of the surrounding area is C-1 to the north and R-4 to the south, east, and west. The land use of the surrounding area is Playcare Day Care Center to the north, apartments to the south and east, and single-family residential to the west.

On May 11, 2006 the City Planning Commission held a public hearing on this request. No one spoke for or against the request. The CPC, by a vote of 9 - 0, recommended approval of the rezoning to C-1. The CPC also conditionally approved a Use Permitted on Review for the conversion of the residential structure to a professional office. Ordinance No. 06-01 authorizes the CPC to approve conversion of a residential structure to a professional office as a use permitted on review subject to a binding site plan which will establish setbacks, number of off-street parking spaces, landscaping, and screening requirements. Any modifications to the site plan will have to be approved by the CPC. The two-story structure faces SW 15th Street making the west side of the lot the front yard. The two-story structure sets 14 feet from SW 15th Street, 38 feet from SW A Avenue, 7 feet from the residential district to the east, and

95 feet from the alley. C-1 requires a 25 foot front yard setback, 15 foot side yard setback from an intersecting street, and a 5-foot setback from the adjoining residential district to the east.

Notice of public hearing was mailed on May 23, 2006, to 19 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on May 28, 2006.

MOVED by Warren, **SECOND** by Patton, to adopt **Ordinance 06-33**, waive the reading of the ordinance, read the title only. AYE: Givens, Jackson, Patton, Haywood, Warren. NAY: None. ABSTAIN: Shanklin. **MOTION CARRIED.**

(Title read by City Attorney) Ordinance 06-33

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

42. Hold a public hearing to consider Community Development Block Grant (CDBG) Section 108 Loan Guarantee Program and Brownfield s Economic Development Initiative (BEDI) Grant applications to the U.S. Department of Housing and Urban Development (HUD) receive input from citizens and provide input for development of the applications as necessary. Consider approving a resolution authorizing submission to HUD and authorizing the Mayor and City Clerk to execute the implementing documents. Exhibits: Resolution 06-____. Copies of the draft applications are on file in the City Clerk s office and HCD.

Tom Aplin, Assistant Director of Housing and Community Development, stated they are all familiar with the Lawton Urban Renewal Authority s downtown revitalization plan which was approved in July 2005. Under that plan he was directed to develop an application for a Section 108 Guaranteed Loan Program and also for a Brownfield s Economic Development Initiative Grant. That directive was in March of this year. The drafts were completed and were out for the 30 day citizen review period. The process has also been subjected to the normal citizen participation process. These two topics were discussed during neighborhood meetings during the consolidated planning process. A pre-publication hearing was held in mid-April. The 30 day review period ended today and they have received no comments from citizens on that period. There is certain information he is required to share with the public as part of this public hearing.

Aplin stated the Section 108 Guaranteed Loan Program is a loan, not a grant. Approval of this program provides a guarantee for the city that these funds will be paid back. These funds will be used for public facilities and improvements along NW and SW 2nd Street and will be directed for reconstruction of curbs and gutters, sidewalks and street lighting to make a nicer pedestrian way. This project is to benefit low and moderate income individuals who reside in and around the 2nd Street area. The principal area that will benefit from this project and allow us to apply for these funds is the area running from Railroad to 6th Street, from Ferris to Gore. This area has a median income of \$20,500 versus Lawton s overall median income of \$32,500. In this area 67% of residents are low to moderate income persons. As a result of this application, the City of Lawton will be requesting \$2 million to assist with the redevelopment of 2nd Street. In order to receive these funds, the city will be required to pledge CDBG funds as security for the loan. The city may be asked to provide additional collateral for the loan as well. He proposed that we go to HUD and request that if we can receive a Section 108 Loan without providing additional collateral for the loan, the city will consider taking a nine year term loan rather than a twenty year loan. In the event that the city would be required to provide collateral for a nine year loan, then they would consider a twenty year loan. They will negotiate to get the best terms they can for the community and hope to eliminate any collateral.

Haywood questioned what they would be paying on a twenty year loan.

Aplin stated the twenty year loan would be \$168,000 and the nine year would be \$282,000 annually. Each annual payment, initially, will be paid out of annual Community Development Block Grant entitlement.

Shanklin questioned if the other programs will get shorted a certain percentage or does it come out of one area.

Aplin stated if this is approved, he will have to develop certain options. They can reduce each category or restructure the programs to free up those dollars. This will really depend on the terms of the loan and the amount of the annual payment.

Shanklin questioned why they would replace water lines on NW 2nd Street.

Aplin stated that project was approved as part of the multi-year consolidated one year action plan that was brought before the Council several weeks ago. Those funds were available from FY 2003 when there were two economic development projects that did not come to fruition. They would like to get this done so that once the road way is redone and rebuilt, the city will not have to go back in and dig them up. These are the two existing 6-inch water

lines that run under 2nd Street. The idea is to enlarge those lines and as funds are available, they will enlarge all of the lines.

Shanklin stated \$100,000 will not do that.

Aplin stated the estimate they received was that \$100,000 would take care of replacing a certain amount of these two lines under the roadway. They will be increased to 8-inches.

Rogalski stated the lines cross 2nd Street.

Shanklin questioned if they are going to tear out any concrete.

Rogalski stated it may be better to do a tunnel boar on those lines.

Shanklin questioned where those 8-inch lines were going to tie in.

Rogalski stated they will be tied into the existing 6-inch lines.

Aplin stated the long range plan is to upgrade all of the city s water lines to a minimum of 8-inch. They desire to get the 8-inch line in place so they will not have to tear up the road in the future.

Jackson stated this 2nd Street rehabilitation program is very worthwhile and he is anxious to see it underway and completed. He has a problem with tying this up with a twenty year loan. This program is so worthwhile that it should be used in other areas. He stated they really need to look at a short term nine year loan and get it paid off.

Givens stated the Section 108 is only available in areas that qualify to low moderate income levels. He stated they also hope the TIF program will work and this loan will be paid back from the TIF proceeds so that no one will be hurt by cut backs. He stated staff has covered the first year payment under contingency left over from previous allocations in CDBG funds. They are not trying to take funding away from those neighborhoods or civic organizations.

Jackson stated he would like to use this same program for other areas in town.

Patton stated they can always apportion more money to that loan.

Haywood stated when they take away \$114,000 that is a lot of money from the low and moderate income area. He questioned if there was a conflict going on with three of the Council members. He questioned if they could even discuss this issue.

Vincent stated they can participate in the HUD discussion, but cannot discuss the TIF or urban renewal programs. They can vote on this issue.

Shanklin stated this project is not high on his list of priorities.

Jackson stated he has seen the design and it will really help the area.

Haywood stated he does not have a problem with the project, but they need to figure out if they want the nine year or twenty year loan.

PUBLIC HEARING OPENED.

Bob Wiseman, 6940 Sprucewood Drive, stated he is on the Board of Directors for the Lawton Boys Home and their property is located at 211 NW 3rd. They are in the process of remodeling this property and have raised money to remodel the garage. He stated the problem is not the remodeling, but the addition of a 6x12 addition onto the back of the garage.

Patton stated this issue will be discussed in item #44.

Dan Mullins, stated 2nd Street is a blighted area with low to moderate income residents. There is a great interest in this community at this time to revitalize this section of town. He has made a personal investment in this area and has served on many committees to further this project because it will benefit all of us. This will bring unparalleled prosperity to the city of Lawton. The water line is a very elementary part of this project but it is a vital part and a condition that must be met before we move forward with this revitalization project.

PUBLIC HEARING CLOSED.

Givens stated this City Council approved the urban renewal plan for 2nd Street some time ago.

Shanklin stated it was hanging back on that wall and not one of the council members looked at it.

Givens stated he went to two public hearings in Carnegie Library. Everyone was invited. That plan was approved unanimously by the council and it is going forward. There is an ODOT transportation grant to cover part of it. He stated he feels like Mr. Jackson, he does not want to wait ten years to see it done, or do two blocks this year, another block next year and take forever. This could be paid back with CDBG funding, it is a win-win situation and does not cost the city anything to improve that road. He stated this is just seeking a source of money to do the project earlier rather than later.

Haywood stated whether it is nine years or twenty years, it is still going to get done. He is upset when you take money from lower income individuals and take people out of neighborhoods.

Givens stated this has to do with 2nd Street, not displacing people or buying homes.

Haywood questioned how many years they were talking about.

Shanklin stated nine.

MOVED by Givens, **SECOND** by Warren, to adopt **Resolution 06-106** authorizing submission to HUD and authorizing the Mayor and City Clerk to execute the implementing documents. AYE: Givens, Jackson, Shanklin, Patton, Warren. NAY: Haywood. **MOTION CARRIED.**

43. Consider adopting an ordinance pertaining to Food and Food Establishments creating Section 12-1-126, Article 12-1, Chapter 12, Lawton City Code, 2005, by setting regulations for seasonal snow cone establishments, providing for severability, codification and declaring an emergency. Exhibits: Ordinance No. 06-____.

Buckley stated there has been more interest in the past several years in the temporary seasonal snow cones facilities. Staff has had a hard time regulating the area, conditions and building. They would like to establish some guidelines and criteria that staff can utilize and provide to the public.

Patton questioned if the permit included a time limit.

Buckley stated the license would be valid for a six month period.

Warren questioned if this changes the use of alleyways and city right of ways.

Vincent stated that is still not permissible.

Jackson stated he feels the license fees are too expensive and he would recommend they lower it to \$15. He stated \$75 is a little steep for a snow cone stand for six months.

Buckley stated that is more identified with the recovery costs of staff time.

Jackson stated they do pay sales tax and withholding taxes.

Shanklin questioned if they are trying to make every department self sustaining from fees.

Buckley stated when they identify cost recovery they try to identify what those costs are to establish what those fees should be. That is all fees across the city.

Jackson stated those people are going to be paying their fair share to operate that retail business.

Shanklin questioned if those existing snow cone businesses are going to have to adhere to this.

Vincent stated they are going to come into compliance. If the emergency clause does not pass they will have 30 day notice.

Jackson questioned if there were any stands that are not in compliance.

Shanklin stated probably every one of them.

MOVED by Jackson, **SECOND** by Shanklin, to adopt **Ordinance 06-34**, waive the reading of the ordinance, read the title only, amend fee to \$15 and remove emergency clause. AYE: Haywood, Warren, Givens, Jackson, Shanklin, Patton. NAY:

None. **MOTION CARRIED.**

(Title read by City Attorney)

Ordinance 06-34

An ordinance pertaining to food and food establishments creating Section 12-1-126, Article 12-1, Chapter 12, Lawton City Code, 2005, by setting regulations for seasonal snow cone establishments and providing for severability and codification.

44. Consider an ordinance amending Section 14-1-107, Article 14-1, Chapter 14, Lawton City Code, 2005, by establishing the effective dates and areas of the moratorium on the issuance of building and remodel permits, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 06-__.

Vincent stated at the last City Council meeting they were asked to come up with a modification for the moratorium along 2nd Street to allow for the temporary construction of buildings to be used during the moratorium period only. They have prepared an ordinance that would allow for trailers to be used on a temporary basis. The moratorium would expire on September 13th if the ordinance is passed as written. The exemption on the use of trailers would expire on January 15th and the trailer would have to be removed by January 30th. The person could then get a building permit, but he would have to comply with the new overlay zoning district and the architectural standards of the zoning district for a building that would be grandfathered on an existing use. This is a nonconforming use under the uses permitted that were passed by the Council about six months ago, however this use did exist prior to that time.

Shanklin stated there are dilapidated buildings down there that they will let be remodeled. It is stupid to do that and then prevent someone from bringing in a doghouse trailer to work out of.

Vincent stated this would permit that.

Shanklin questioned why they would revitalize 2nd Street with houses down there that should be on the demolition list. He does not understand that.

Jackson stated if Mr. Shanklin has asked for some houses to be put on the D&D list, they should have been put on that list.

Mr. Wiseman stated this house that was given to them has been remodeled. It has a new roof and the inside is very nice. One of the church groups has offered to put siding on it.

Patton stated the specific request from Mr. Wiseman is to apply for a building permit to add on a 6 x 12 addition.

Mr. Wiseman stated these boys need a chance.

Shanklin stated he understood, but there is a duplex on the other end of the block that has been boarded up for two years.

Givens stated there are three homes from that area that are in court for demolition.

Mr. Wiseman stated the permit was to remodel the garage. Adding the extension was the issue that was not approved.

Jackson stated he does not think we can approve this.

Rogalski stated the moratorium expires September 13th and if he had to do something before then, the Council would have to approve. He has been told there will not be an extension.

Shanklin questioned if they could make an exception.

Vincent stated not tonight, but staff could prepare a resolution and bring it back to make an exception to the moratorium. This deals with the use of trailer houses as offices on that used car lot.

Shanklin stated it is not a trailer house or a mobile home.

Vincent stated when he went over and looked at it, it had two wheels on each side and would pull with a trailer hitch.

Shanklin stated that particular dog house has been used on five or six different lots for the last ten years.

Vincent stated he does not know how to fix Mr. Wiseman's issue with this ordinance. This is a totally different

chapter of the code. They would need to bring back a resolution to deal with the moratorium.

Patton stated they can put that item on the agenda for the next meeting.

Mr. Mullins encouraged the council to stay the course. There is a lot more riding on this than one particular business. He stated they should not start piecemealing this thing. Enforce the laws that were passed by the City Council.

Shanklin stated this is temporary until January 30th. He cannot see denying Mr. Adams the chance to use his property in a temporary fashion for a limited time. He appreciates what Mr. Mullins has done, but this thing is not going to happen overnight.

Mr. Mullins questioned what was to be gained with a temporary structure in an area that is already blighted. Mr. Adams has a building on that property that he leased out. He had an office.

Harvey Adams, 7 NW 2nd Street, stated when he bought this property it was not a blighted area. This building is a commercial portable office that was originally on a car lot at 2000 Cache Road. He stated Mr. Mullins has a lot more money involved than he does. He keeps his property clean and mowed. He would like to stay there and make a living.

Jackson questioned if Mr. Adams was aware of what was being proposed tonight.

Mr. Adams questioned if they were going to give him a building permit in January.

Vincent stated this would be after September 13th.

Jackson stated if it corresponds with the new overlay designs that will be determined at that time. He would be required to meet certain design standards.

Mr. Adams stated he had to bring this portable office in because he couldn't get a building permit. The reason he rented his existing building out is because he had to survive.

He questioned if this is passed tonight, he will automatically have to move on January 30th.

Vincent stated if approved, he will need to stop using the building by midnight on January 15th and it must be removed on January 30th. September 13th is when the moratorium expires and it is on that date that Mr. Adams can get a building permit. He stated the overlay district requirements will come to the Council and specify what the building will have to look like.

Shanklin questioned what this building is going to have to look like cosmetically.

Jackson suggested Mr. Adams get with staff and find out what standards will be required.

Mr. Adams stated he is just trying to make a living and he would like to see 2nd Street beautiful.

Shanklin stated if Mr. Adams had received a building permit he would have built a building.

Mr. Adams stated yes. He stated there needs to be a moratorium in this town on fixing things that are falling down.

MOVED by Shanklin, **SECOND** by Jackson, to adopt Ordinance 06-35, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood. NAY: Warren, Givens. **MOTION FAILED.**

Shanklin questioned if they could vote on this at the next meeting.

Vincent stated a Council person that is absent can bring it back next time. He questioned if the City Council desires him to bring back a resolution at the next meeting regarding the issue with Mr. Wiseman and the group home remodel.

Shanklin stated he can't understand why we wouldn't let him build it, he is there now.

Vincent stated the only exceptions to the moratorium were demolition permits and remodel permits on houses that had been declared dilapidated by the City Council.

Patton stated when the moratorium was passed, the intent was not to allow someone to go in and build some type of permanent structure before the guidelines were in place. Mr. Wiseman has an existing home that is there and he is only talking about adding a small addition. That does not go against the intent.

Shanklin stated this should never have allowed to get where it is now. We should have addressed those D&D properties. He stated Mr. Givens should have seen that the area is cleaned up.

Givens stated for the past six months he has talked with Neighborhood Services and anyone else that would listen, that they should concentrate in that neighborhood to put those houses on the D&D list. He has done his part and they are working over there. Three are in court. He stated the City Council also keeps giving delays.

Shanklin stated they are not in that area.

45. Discuss City policy on stormwater drainage and take appropriate action, if necessary. Exhibits: Minutes from May 9, 2006 City Council meeting.

Jerri McClung, 601 Columbia, stated 6th Street is economically depressed. In order to show how depressed 2nd Street was, they had to average all of the incomes between 2nd and 6th Street. They don't like that kind of misrepresentation. She stated 2nd Street is not blighted. She questioned why they don't put a convention center in that area. She stated they want to put shops up against the sidewalk with living quarters over them. She stated that is what urban renewal tore down last time. She stated if they want to do something, they need to enforce the R-2 zoning in Old Town North. Please don't call them economically depressed.

Patton stated let's get back to this item regarding stormwater drainage.

Shanklin stated he understood they were going to go less than one acre and his question is why they are even discussing this if it is mandated by the federal government. Are they making it more difficult because of what reason if it is not mandated. He does not understand the problem.

Vincent stated he met with Charlie Wright the other day, and they thought there was some confusion on what the Council directed staff to do and after reviewing the entirety of the 10-plus page minutes, staff acted based on the Council direction which was to allow a gentlemen like Mr. Wright to file the numbers necessary for the 100-year storm, but that if there was run off from the tract, detention may be required. After reviewing the minutes, Mr. Wright agreed with that on three different places.

Charlie Wright, stated the thing he did not understand when he agreed, is until the next day he was told post had to equal pre. That is kind of silly, post will not equal pre. He stated he understood that staff would accept his calculations if it proved that his calculations showed there was abundant drainage off of there. Then it would be decided how to take detention. He is coming back with his original intention that anything under one acre be exempt. He admitted he did misunderstand.

Vincent stated it boils down to is drainage going to be required to achieve post equals pre on less than one acre tract developments in the city of Lawton. He stated he told Mr. Wright that he would present the simple question to the City Council at Mr. Shanklin's request. There was an ordinance two weeks ago that did away with the detention requirement. He questioned if the City Council would like that brought back on the agenda.

Shanklin questioned if they could take action tonight.

Vincent stated no, because the ordinance was not advertised.

Patton questioned what would happen if individual developers developed an acre or less at the same time at the same location.

Mr. Wright stated the ordinance stated that as long as it was not part of a larger development. It also said that people could not subdivide if they had four acres and divided into less than an acre at a time. Those issues were taken care of.

MOVED by Jackson, SECOND by Shanklin, to direct staff to agenda the original ordinance. AYE: Jackson, Shanklin, Patton, Haywood, Warren. NAY: Givens. **MOTION CARRIED.**

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Warren stated there was an article in the Daily Oklahoma about charging inmates for the time they serve. He spoke with the City Attorney and some of the estimates of payment are 25%. That is more than we are getting now. He stated this is something they need to look at.

Vincent stated his staff has been working on an ordinance for about two weeks.

Jackson stated he does not like the idea that when a City Council member call in to agenda an item, it is always the

last item on the agenda. He would like to see those items first on new business.

Vincent stated Council Policy 1-6 states all public hearings will take precedent over any other items.

Jackson stated they need to put them after public hearings.

Vincent stated the trial for the outside water rate case starts on June 26th. He requested that routine type items be held off until the trial is done.

There being no further business to consider, the meeting adjourned at 9:45 p.m. upon motion, second and roll call vote.

/s/ Jeff Patton
JEFF PATTON, MAYOR PRO TEM

ATTEST:

/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK